

Determination 2005/119

Fire alarm provisions in a two-unit dwelling at 103 Marie Place, Thames

1 THE MATTER TO BE DETERMINED

- 1.1 This is a determination under Part 3 Subpart 1 of the Building Act 2004 (“the Act”) made under due authorisation by me, John Gardiner, Determinations Manager, Department of Building and Housing, for and on behalf of the Chief Executive of that Department.
- 1.2 The applicant is Dreamworks Enterprises Ltd (“the owner”). The only other party is the Thames-Coromandel District Council (“the territorial authority”).
- 1.3 The application arises from a dispute about:
- (a) The provisions for emergency warning of fire required for compliance with clause F6 of the building code (the First Schedule to the Building Regulations 1992) in the conversion of a house to a two-unit residential dwelling, and
 - (b) Whether the required system, if any, means that a compliance schedule is required.
- 1.4 In making my decision I have not considered any other aspects of the Act or of the building code.

2 THE BUILDING

- 2.1 The building is a two-storey house on a sloping site. On the ground floor are an internal garage and a one-bedroom “granny flat” that is being converted into a self-contained household unit separated from the garage.
- 2.2 After the conversion, the first floor will be a self-contained three bedroom household unit with an internal stair to the garage. Fire separation between units will be 30/30/30, and each unit will have two escape routes neither of which is shared with

the other unit. There was no dispute that after the conversion the building would comply with the building code in all respects other than the provisions for early warning of fire.

3 THE LEGISLATION AND THE ACCEPTABLE SOLUTION

3.1 The relevant provisions of the Act are:

“17 All building work must comply with building code

“All building work must comply with the building code to the extent required by this Act, whether or not a building consent is required in respect of that building work.”

“100(1) Requirement for a compliance schedule

“(1) A building not used wholly as a single household unit—

“(a) requires a compliance schedule if—

“(i) it has a specified system; or

“(ii) it has a cable car attached to it or servicing it; and

“(b) requires the schedule for all specified systems it has and any cable car it has attached to it or servicing it.”

3.2 Schedule 1 of the Building (Specified Systems, Change the Use, and Earthquake-prone Buildings) Regulations 2005 list specified systems as including:

“2 Automatic or manual emergency warning systems for fire or other dangers (other than a warning system for fire that is entirely within a household unit and serves only that unit).”

3.3 The relevant provisions of the building code are:

“C2.3.2 The number of exitways or final exits available to each person shall be appropriate to:

“(e) The fire safety systems installed in the building.”

“F7.3.3 Appropriate means of warning for fire and other emergencies must be provided in *buildings* as necessary to satisfy the other performance requirements of this code.”

3.4 The relevant provisions of the acceptable solution C/AS1 are:

“1.3.5 Multi-unit dwellings are purpose group SR. For low-rise buildings, having no more than two levels (one household unit above another) and containing only SR

purpose group, the fire safety requirements are similar to those for purpose group SH . . . provided that each household unit:

- “(a) Has a separate escape route, and
- “(b) Is fire separated from other household units with fire separations having a FRR of no less than 30/30/30.”

Table 4.1/5 does not specify any fire safety precautions for purpose group SH.

3.5 The relevant provision of the acceptable solution F7/AS1 is:

“**3.1.1** Smoke alarms shall be installed in every household unit of purpose groups SH and SR where an automatic smoke detection and alarm system is not required by Table 4.1. . . .

“**3.2.1** . . . domestic/residential type smoke alarms with integral warning devices [may cover only] selected parts of a single firecell . . .

“**3.2.3** The smoke alarms may be battery operated and are not required to be interconnected.”

4 THE SUBMISSIONS

4.1 The owner submitted a justification for the proposed smoke alarms in terms of C/AS1 together with correspondence with the territorial authority and a fire safety report by a firm of consulting engineers that had been submitted to the territorial authority for building consent purposes.

4.2 That report was dated 15 October 2004 and identified the requirements of the building code and how they were to be met in terms of the previous acceptable solutions C2/AS1 and C3/AS1. Those acceptable solutions were superseded by C/AS1 on 25 February 2004.

4.3 The territorial authority did not accept that part of the report, but said in effect that:

- (a) An early warning device was required in the lower unit and was to sound in the upper unit; and
- (b) A compliance schedule was required.

4.4 The territorial authority chose to make no submissions for the purpose of this determination.

5 DISCUSSION

5.1 General

5.1.1 This discussion is in terms of the acceptable solutions. There was no suggestion of any alternative solution.

5.2 Early warning

5.2.1 For this building, C/AS1 does not require any fire alarms, but F7/AS1 requires each unit to have one or more domestic smoke alarms, which serve only that unit and may be battery operated, see 3 above.

5.2.2 Accordingly, the proposed battery-operated smoke alarms comply with the acceptable solution and therefore with the building code.

5.2.3 The Acceptable Solution (Clause 3.3 F7/AS1) requires that smoke alarms shall be located on each level of each household unit on escape routes. There being only one level then only one smoke alarm is required (within 3 metres of the sleeping space doors) unless the owner decides to locate alarms in each of the sleeping spaces rather than within 3 metres of every sleeping space door

5.3 Compliance schedule

5.3.1 Because the smoke alarms for each unit are entirely within that unit and serve only that unit, they are specifically excluded from the definition of the relevant specified system, see 3.4 and 3.5 above.

5.3.2 As the building does not include any specified systems, it does not require a compliance schedule, see 3.1 above.

6 DECISION

6.1 In accordance with section 188(1) of the Act, I hereby determine that:

- (a) The proposed smoke alarms comply with the building code; and
- (b) The building does not require a compliance schedule.

Signed for and on behalf of the Chief Executive of the Department of Building and Housing on 9 August 2005.

John Gardiner
Determinations Manager